

REMARKS

Support for the particle size recited in Claim 25 is found in page 23, line 28-29.

Claims 1, 6, 7, 14 and 15 stand rejected under 35 U.S.C. 112 second paragraph said to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 recites formulas the structures of which entail groups designated as R¹, R², R³ and R⁴. These denote certain alkyl or aryl radicals that may be "substituted". In rejecting the claim, the Examiner asserts that the possible substituents are not enumerated and that, therefore, the claim is indefinite. The definiteness vel non of the recited term must be judged in relation to the meaning that it conveys to the art-skilled. Applicants respectfully submit that the large number of substituents embraced by the claim does not make the scope indefinite as the art-skilled would immediately ascertain that all substituents are embraced by the term.

Newly added Claim 22 is directed to the embodiment of the presently cancelled Claim 6.

Newly added Claim 23 is directed to the embodiment of the presently cancelled Claim 7.

Newly added Claim 25 is directed to the embodiment of the presently cancelled Claim 14.

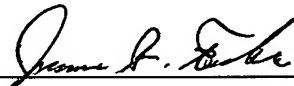
Newly added Claim 24 is directed to the embodiment of the presently cancelled Claim 15.

The present amendment and the comments above are believed to be responsive to the rejection under section 112 and overcome the same.

The claims stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-12 of U.S. Patent No. 6,528,561. The presently submitted terminal disclaimer is believed to be responsive to the rejection and overcome the same.

Believing the above represents a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By 
James R. Franks
Agent for Applicants
Reg. No. 42,552

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
PHONE: (412) 777-3808
FACSIMILE PHONE NUMBER:
412-777-3902
s/rmc/ap/0192